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EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/993,097

Applicant(s)

KUTARAGI ET AL.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 12-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-14, 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-10, 12-14, and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by *Torii et al.*, (EP0982663).

As per claims 1 and 13, *Torii* teaches an electronic apparatus, comprising:

- a main body (11, Fig. 2);
- a circuit in the main body functioning as a hub (4, Fig.2);
- at least one first connector(7, Fig.2) in the main body and portion electrically connected to the circuit; and
- an electronic device (9, Fig.2) having a second connector portion, the second connector portion being connected to the at least one first connector portion to directly attach the electronic device to the main body,
- wherein a computer (2, Fig.2) is connectable to the electronic apparatus through the circuit so that information from the computer is supplied to the electronic

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device and/or information from the electronic device is supplied to the computer.

(Abstract, pg. 1, lines 54-pg.8)

As per claims 7, 8, and 18, *Torii* teaches an electronic device (9, Fig.2) capable of being attached to an electronic apparatus having a main body, a circuit in the main body functioning as a hub, and at least one first connector portion integrally formed in the main body and electronically connected to the circuit, the electronic device comprising:

- a body (11, Fig.2);
- an operating portion (4, Fig.2) in the body; and
- a second connector portion integrally fixed to the body the second connector portion being complementary to the at least one first connector portion so that the second connector portion directly connects to the at least one first connector portion, (3, 12, 7, Fig.2)

wherein the electronic device directly attaches to the main body of the electronic apparatus and can transmit information to or receive information from a computer connected to the electronic apparatus through the circuit.

As per claims 2 and 3, *Torii* inherently teaches wherein power is supplied from the circuit to the electronic device via the circuit.

As per claims 4 and 14, *Torii* teaches wherein the electronic apparatus is a display apparatus.

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As per claim 6, 9, 10, 16, *Torii* allows the user to connected different peripherals differently to the display device inherently the user connects the peripherals in a desirable manner.

As per claims 12, 17, and 19, *Torii* teaches wherein the circuit, the at least one first connector portion and the second connector portion are formed on the basis of the USB specification.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-10, 12-14, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Kim*, (5,938,770).

As per claims 1 and 13, *Kim* teaches an electronic apparatus, comprising:

- a main body (11b, Fig. 14);
- a circuit in the main body functioning as a hub (Fig.14);
- at least one first connector(UP1, DP1-3, Fig.14) portion electrically connected to the circuit; and
- an electronic device (23, 14, 12, Fig.13) having a second connector portion, the second connector portion being connected to the at least one first connector portion to directly attach the electronic device to the main body,

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- wherein a computer (10, Fig.13) is connectable to the electronic apparatus through the circuit so that information from the computer is supplied to the electronic device and/or information from the electronic device is supplied to the computer. (Abstract, col. 2, lines 43-col. 3, lines 1-12, col. 7, lines 1-col. 10, lines 1-41)

As per claims 7, 8, and 18, *Kim* teaches an electronic device (23, 14, 12, Fig.13) capable of being attached to an electronic apparatus having a main body, a circuit in the main body functioning as a hub, and at least one first connector portion integrally formed in the main body and electronically connected to the circuit, the electronic device comprising:

- a body (11b, Fig.14);
- an operating portion (Fig.14) in the body; and
- a second connector portion integrally fixed to the body the second connector portion being complementary to the at least one first connector portion so that the second connector portion directly connects to the at least one first connector portion, (Figs. 13,14)
- wherein the electronic device directly attaches to the main body of the electronic apparatus and can transmit information to or receive information from a computer connected to the electronic apparatus through the circuit.

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As per claims 2 and 3, *Kim* inherently teaches wherein power is supplied from the circuit to the electronic device via the circuit.

As per claims 4 and 14, *Kim* teaches wherein the electronic apparatus is a display apparatus.

As per claim 6, 9, 10, 16, *Kim* allows the user to connected different peripherals differently to the display device inherently the user connects the peripherals in a desirable manner.

As per claims 12, 17, and 19, *Kim* teaches wherein the circuit, the at least one first connector portion and the second connector portion are formed on the basis of the USB specification.

As per claim 20, *Kim* teaches wherein the electronic device is a speaker – inherently speakers come in pairs and are of the same type. Kim allows the user to arrange the electronic devices in any position desirable to the user. Inherently, speakers are positioned on the left and right side of a display apparatus.

Claims 1-4, 6-10, 12-14, and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by *Frederick et al.*, (US 6,314,479).

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As per claims 1 and 13, *Frederick* teaches an electronic apparatus, comprising:

- a main body (12, Fig. 9);
- a circuit in the main body functioning as a hub (86, Fig.9);
- at least one first connector(140, Fig.9) portion electrically connected to the circuit; and
- an electronic device (col. 19, lines 57-59) having a second connector portion, the second connector portion being connected to the at least one first connector portion to directly attach the electronic device to the main body,
- wherein a computer (14, Fig.9) is connectable to the electronic apparatus through the circuit so that information from the computer is supplied to the electronic device and/or information from the electronic device is supplied to the computer. (Abstract, col. 18, lines 8-col. 19, lines 1-59)

As per claims 7, 8, and 18, *Frederick* teaches an electronic device capable of being attached to an electronic apparatus having a main body, a circuit in the main body functioning as a hub, and at least one first connector portion integrally formed in the main body and electronically connected to the circuit, the electronic device comprising:

- a body (12, Fig.9);
- an operating portion (Fig.9) in the body; and
- a second connector portion integrally fixed to the body the second connector portion being complementary to the at least one first connector portion so that the



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second connector portion directly connects to the at least one first connector portion;

- wherein the electronic device directly attaches to the main body of the electronic apparatus and can transmit information to or receive information from a computer connected to the electronic apparatus through the circuit.

As per claims 2 and 3, *Frederick* inherently teaches wherein power is supplied from the circuit to the electronic device via the circuit.

As per claims 4 and 14, *Frederick* teaches wherein the electronic apparatus is a display apparatus.

As per claim 6, 9, 10, 16, *Frederick* allows the user to connected different peripherals differently to the display device inherently the user connects the peripherals in a desirable manner.

As per claims 12, 17, and 19, *Frederick* teaches wherein the circuit, the at least one first connector portion and the second connector portion are formed on the basis of the USB specification.

***Response to Applicant's Arguments***

Applicant's argument filed on 01/05/04 have been fully considered but they are not persuasive.

Applicant argues that by adding the claim language "the second connector portion being connected to the at least one first connector portion to *directly attach* the electronic device to the main body" teaches that "there is no longer a need for intermediate flexible wires, such as cables, to connect the electronic devices to the electronic apparatus" ( page 7, third paragraph) or that "this means that there are no intermediate cables between the electronic device and electronic apparatus that would significantly space them apart" (pg. 8, first paragraph). Examiner disagrees with Applicant's arguments for the following reasons: simply adding the words "directly attach" would not mean to one of ordinary skill that a cable would be excluded between the electronic device and the main body of Applicant's invention. One could "directly attach" a speaker to the side of a display apparatus via latches or a web cam could be "directly attached" on top of the display apparatus. Each of these devices would connect to the display apparatus' associated ports. Another example is a microphone, which could be "directly attached" to an associated port the display apparatus.

Therefore, the Office is taking the position that one of ordinary skill would not read the statement "directly attach" and believe it to mean that there are no intermediate cables between an electronic device and electronic apparatus. because of the claim

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language. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997...) "during the patent examination the Examiner is allow to take the broadest reasonable interpretation"). See MPEP § 2111 - § 2116.01 for case law pertinent to claim analysis. See also *In re Yamamoto*, 740 F.2d 1569, 222 USPQ 934 (Fed. Cir. 1984)

Applicant further argued that "directly attach" further means that "once the complementary electronic devices are connected and attached to the electronic apparatus, setting of the electronic device is not needed and the electronic devices can be visually integrated with the electronic apparatus. See specification, paragraph, 33". The specification is not the measure of the invention. Therefore, limitation contained therein cannot be read into the claims for the purpose of avoiding the prior art. In *re Sporck*, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

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Faxes for Official/formal communications intended for entry should be sent to:

(703) 746-7238, After Final (703) 746-7239

or, for informal or draft communications, to:

(703) 746-7240 (please label "PROPOSED" or "DRAFT").


Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor

(Receptionist).

Tammara Peyton

January 08, 2004

  
JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100